

**REMARKS**

In accordance with the foregoing, the specification has been amended to improve form and provide improved correlation with the drawings and claims. Claims 9, 16-18, 36, 40 and 43 have been amended and claim 43 has been cancelled without prejudice or disclaimer, thus, claims 1-42 and 44-51 are pending and under consideration. No new matter is included in this Amendment.

**Claims Not Addressed In Office Action:**

In the Office Action Summary, the Examiner indicated that claims 9-49 were pending in the application. No mention is made of claims 1-8 nor of claims 50 and 51 which are currently pending in the application.

It is respectfully requested that an indication of the status of claims 1-8, 50 and 51 be included in a non final office action.

**Amendment of Claim 40:**

Claim 40 has been amended to correct grammatical form.

**The 35 U.S.C. §103(a) Rejection:**

Claims 9-17, 19-25, and 36-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2002/0159765A1 to Maruyama et al. in view of Official Notice. Claims 16 and 36 have been amended to include features of claims 18 and 43, respectively, which the Examiner indicated as including allowable subject matter. Claim 43 has been cancelled and claim 18 has been amended to remove the feature included in claim 16.

Claim 9 has been amended to recite a "recording medium comprising: a video region which stores encrypted moving picture data, unencrypted audio data and encrypted audio data; and a predetermined region which stores reproducing management information enabling a reproducing apparatus to reproduce: the encrypted moving picture data and the encrypted audio data, the encrypted moving picture data and the unencrypted audio data, and the encrypted audio data independently of the moving picture data." This combination of features would not have been obvious to a person of ordinary skill in the art at the time the invention was made in view of Maruyama viewed in combination with the Examiner's assertion of Official Notice. As

indicated in a description of the prior art as presented in the application, encryption of data in the art of moving picture data and in the art of audio data is known and Applicants are not claiming encryption *per se*. Applicants claims are related to storing and reproducing encrypted data and/or unencrypted data individually and in particular combinations thereof and to storing management information for achieving the reproduction of the data individually or in particular combinations.

Claims 10-15 are deemed to be patentable at least for similar reasons set forth above regarding claim 9, claims 17-24 are deemed to be patentable at least for similar reasons set forth above regarding claim 16 and claims 37-42 are deemed to be patentable at least for similar reasons set forth above regarding claim 36.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

**Allowable Subject Matter:**

At page 4 of the Office Action, claims 18 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 43 has been cancelled without prejudice or disclaimer and the features thereof included in claim 36.

At page 4 of the Office Action, the Examiner indicates that Claims 26-35 and 44-49 are allowed.

**Conclusion:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

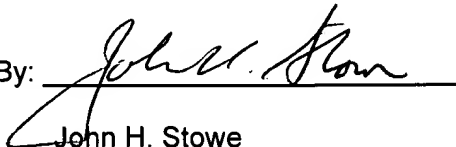
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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